



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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OCTOBER 20, 2014

Regular meeting of the City Council held on Monday, OCTOBER 20, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 9:49 PM.

ORDERED: That the minutes of the City Council meeting OCTOBER 6, 2014, **FILE**; adopted.

ORDERED: **JOINT PUBLIC HEARING WITH THE PLANNING BOARD** On the Proposed Zoning Petition, Downtown Village District, Order No. 14-1005947, hearing recessed at 9:20 PM.

Councilors Present: Pope, Ossing, Robey, Oram, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

Planning Board Members Present: Chairwoman, Barbara Fenby, Phil Hodge, Edward Coveney, Sean Fay, Shawn McCarthy, & Brian DuPont.

MOTION made by Planning Board Chair, Dr. Barbara Fenby to Close the Public Hearing and Planning Board Meeting – CARRIES

President Pope requested a recess at 9:20 PM and returned to open meeting at 9:21 PM; adopted.

ORDERED: That the Notification of Free Cash recently certified in the amount of \$6,103,681.00 from the Massachusetts Department of Revenue, **FILE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I Subdivision and in the Carisbrooke II Subdivision, Order Transferring Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works, Order of Acceptance of Deeds in Lieu of Foreclosure, and Order Transferring Care, Management and Control to the Conservation Commission, in proper legal form, Order No. 14-1005945-1, 2, 3, & 4, **MOVED TO ITEM 15**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 450-460 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 115 Onamog St., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 2 Mt. Royal Ave., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 157 Union St., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

Councilor Robey recused.

ORDERED: That the Minutes, Planning Board, September 22, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, August 27, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, September 9, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health Special Meeting, September 18, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Youth Commission, August 7, 2014, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Brian Barbone, 2 Lakeview Dr., PO Box 129, Walpole, MA, pothole or other road defect.
- B. Kathleen Richov, 8 Capt. Samuel Forbush Rd., Westborough, MA, pothole or other road defect.
- C. Michael E. Joyal, 149 Church St., other property damage and/or personal Injury.
- D. Francis Harrington, 786 Hemenway St., residential mailbox claim 2(b)

Reports of Committees:

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: October 7, 2014

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:36 PM

Adjourned: 6:02 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, Tunnera, and Page

Also Present: Joe Zink, Atlantic Management; William Park, SMMA; Attorney David Gadbois

Order No. 14-1005963: *The Application for Site Plan Approval – Marlborough Hills, 200 Forest Street Parking Expansion – Motion to refer to the **URBAN AFFAIRS COMMITTEE and authorize the committee to decide if any conditions should be imposed by the City Council (acting in the capacity of Site Plan Review) for this project in addition to whatever requirements are required by the Professional Site Plan Review Committee, all of which will become required conditions for this project. Furthermore; to delegate to the Urban Affairs Committee the authority to vote to allow the developer to proceed if the committee judges it prudent, subject to the conditions heretofore mentioned. A committee report outlining the results of their work will be reported to the City Council, however, this project will stay within the Urban Affairs Committee in the event that further requests or changes arise which require a timely response. Adopted.***

The Professional Site Plan Review Committee met at 9AM on October 7, 2014 with the applicant to review any comments regarding their application. The applicant addressed the issues and has made changes accordingly for review this evening. Chairman Delano read through the amended Site Plan Approval with Conditions, dated October 7, 2014, for the committee. The full City Council gave the Urban Affairs Committee the authority by the vote of the committee to accept the conditions and allow the project to move forward. They will report the conditions out of the committee and vote to approve them at the full City Council and send them to the Legal Department to be placed in proper legal form.

Motion made by Councilor Clancy, seconded by Chair, to approve the conditions as amended. Carries 5-0.

Motion made by Councilor Clancy, seconded by Chair, to refer to the City Solicitor for proper legal form. Carries 5-0.

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 5-0.
Adjourned at 6:02 PM.**

*Reported by: Chairman Delano
October 20, 2014*

Reports of Committee cont'd

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: October 15, 2014

Time: 5:15 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:20 PM

Adjourned: 5:38 PM

Present: Chairman Landers; Public Services Committee Member Councilor Irish; President Pope

Absent: Councilor Clancy

Order No. 14-1005964: Petition of National Grid and Verizon New England Inc. to install new jointly owned P#9 Simarano Drive. This pole is required to provide service to an existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70. Chairman Landers did not require the National Grid representative appear before the committee because this petition is similar to the scope of previous petitions made in the spring. Additionally, there was no opposition at the Public Hearing held on October 6, 2014 to this petition. Chairman Landers recommends approval of this petition and to present it at the next City Council meeting on Monday, October 20, 2014. **Motion made by Councilor Irish, seconded by Chair to approve the petition of National Grid and Verizon New England Inc. to install new jointly owned P#9 Simarano Drive. Carries 2 - 0.**

Motion made by Councilor Irish, seconded by Chair to request a suspension of the rules at the City Council Meeting on October 20, 2014 to approve the petition. Carries 2 - 0.

Motion made by Councilor Irish, seconded by Chair to adjourn. Carries 2 – 0. Adjourned at 5:38 PM.

*Reported by: Chairman Landers
October 20, 2014*

Reports of Committee cont'd

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: October 7, 2014

Time: 5:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:05 PM

Adjourned: 5:29 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish

Also Present: Mayor Vigeant

Order No. 14-1005922: The Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment. **Recommendation of the Personnel Committee is to approve the Reappointment of Deborah Fox as City Collector. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005876: The Appointment of Anthony Arruda to the Board of Assessors for a term of three years to expire from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Appointment of Anthony Arruda to the Board of Assessors. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005877: The Reappointment to the Recreation Commission for the following term: Thomas Evangelous for a term to expire two years from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Reappointment of Thomas Evangelous to the Recreation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005846: The Appointment of Santiago Vergas as youth appointee to the Youth Commission for a term of one year from date of approval. **Recommendation of the Personnel Committee is to approve the Appointment of Santiago Vergas as a youth appointee to the Youth Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005704: The Reappointment to the Conservation Commission of Larry Roy for a term to expire on March 7, 2016. **Recommendation of the Personnel Committee is to approve the Reappointment of Larry Roy to the Conservation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005667: The Reappointment of Susan Laufer to Library Board of Trustees for a term to expire on February 6, 2017. **Recommendation of the Personnel Committee is to approve the Reappointment of Susan Laufer to Library Board of Trustees. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Motion made by Councilor Elder, seconded by the Chair, to adjourn. Carries 3-0.

Adjourned at 5:29 PM.

*Reported by: Chairman Tunnera
October 20, 2014*

Suspension of the Rules requested – granted

ORDERED: That the Application for Site Plan Approval-Marlborough Hills, 200 Forest St. Parking Expansion, refer to **THE CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

Suspension of the Rules requested – granted

ORDERED: Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70; **APPROVED**; adopted.

ORDERED:

**ACCEPTANCE OF LAYOUT AND EMINENT DOMAIN ORDER OF TAKING
OF WAYS AND EASEMENTS IN THE CARISBROOKE I SUBDIVISION AND IN THE
CARSIBROOKE II SUBDIVISION**

I. CARISBROOKE I SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 20th day of October 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke I, also known as Gristmill III, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the 20th day of October 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke I, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, and Woodcock Lane (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Harper Circle And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Hawkins Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 1 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 2 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Stetson Drive And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Woodcock Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20____;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 1 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 2 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 3 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 4 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 5 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 6 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 7 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 8 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans and as noted below. For title, the assumed owners of the roadways, owners of lots from whom certain portions of roadways are taken, and the Middlesex County South Registry references are as follows:

<u>Assumed Owner & Name of Street(s)</u>	<u>Middlesex Registry</u>	
	<u>Book</u>	<u>Page Cert. (if any)</u>
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.		
Harper Circle (+/- 31,556 S.F.)	16413 16860 17581 16754 16892	352 277 418 44 271
Woodcock Lane Registered portion (+/- 41,655 S.F.)		172695 177320
	PL 5374L 993 145	
Recorded portion	16398 17046 16562 16508	133 348 41 559
Hawkins Lane Registered portion (total +/- 64,408 S.F.) PL 2370C 993 145		172695
Recorded portion	16552 17268 16723	486 139 338
Prendiville Way (+/- 97,983 S.F.)		172695 177320
	PL 5374L 993 145	
Stetson Drive (+/- 62,941 S.F.)		172695 177320
	PL 2370C 993 145	
N/F Robert and Linda A. Vissat 36 Woodcock Lane		
Portion of Harper Circle (+/- 6,806 S.F. to centerline of street)	47717	98
N/F Karen M. Chesler & Robert P. Rivet 142 Prendiville Way		
Portion of Prendiville Way (+/- 4,500 S.F. to centerline of street) LC Lot 65 PL 5374L 993 145		232260

N/F Julie Shepherd & Brian Shepherd
35 Prendiville Way

Portion of Prendiville Way (+/- 4,332 S.F. to centerline of street) 227238
LC Lot 77 PL 5374L 993 145

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land and utilities so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke I subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex South Registry of Deeds.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans and as noted below. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement (& Fee Owner, If Registered)</u>	<u>Street Name & Address</u>	<u>Middlesex Registry</u>			<u>Easement Area +/- S.F. & Type</u>
		<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>	
<u>Farrington Lane</u>					
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	31	17009	570		353 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	41	18224	570		4,045 Drainage;
					2,654 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	51	15905	049		12,773 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65	16374	089		4,511 Drainage; 20,222 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	81	16594	079		10,171 Drainage; 4,810 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82			174417	8,884 Drainage; 24,487 Flowage
	N/F Brian Hendrix & Gail Hendrix LC Lot 18 PL 2370C	993	145	232654	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	106	16545	193		4,877 Drainage; 1,048 Flowage
	N/F Steven M. Burnett & Monica M. Burnett LC Lot 19 PL 2370C	993	145	221168	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	122	16552	148		6,487 Drainage; 5,707 Flowage
	N/F Frederick M. Ferris & Ann M. Ferris LC Lot 20 PL 2370C	993	145	197220	

Harper Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	10	16892 271	10,533 Sewer
N/F Joseph F. Delano & Lisa A. Delano LC Lot 67 PL 5374L		993 145 194911	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	24	16754 044	5,764 Drainage; 16,895 Flowage; 5,944 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	27	16413 352	6,259 Drainage 2,800 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36	16964 418	9,205 Drainage; 54,784 Flowage; 7,222 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	45	16860 277	9,856 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	49	17581 418	25,588 Drainage; 73,344 Flowage; 12,345 Sewer

Hawkins Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	40	16552 486	4,081 Drainage
N/F John D. Condon & Elaine M. Condon LC Lot 25 PL 2370C		993 145 198072	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	62	233839	7,748 Drainage; 6,910 Flowage
N/F Michael G. Huether & Colleen M. Heuther LC Lot 26 PL 2370C		993 145 257189	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	80	16552 478	7,239 Flowage

Woodcock Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	9 1005 133	229949	8,462 Drainage; 25,757 Flowage
N/F Anton P. Teodorescu & Mariana Teodorescu LC Lot 69 PL 5374L 993 145 192025			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	29 16398 133	172695	3,349 Drainage; 11,504 Flowage
N/F Ronald F. Hall & Patricia Hall LC Lot 68-PL 5374L 993 145			
		179134	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36 24118 003		8,113 Drainage

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

II. CARISBROOKE II SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 20th day of October 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke II, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the 20th day of October 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke II, including the streets named Belmore Place, Sheffield Terrace, Littlefield Lane (being a portion thereof), Flint Drive, Hamilton Circle, Haskell Lane, and Graham Path (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as

described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Plan of Acceptance of Belmore Place And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Farrington Lane And Municipal Easements, Marlborough, Massachusetts scale: 1 inch = 40 feet, date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Flint Drive And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Graham Path And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Hamilton Circle And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Haskell Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Littlefield Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__; and

“Plan of Acceptance of Sheffield Terrace And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20__.

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans and as noted below. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>LC</u> <u>Lot No.</u>	<u>Assumed Owner In Fee & Name of Streets</u>	<u>Book</u>	<u>Page</u>	<u>Middlesex Registry</u> <u>Certificate (if any)</u>
153	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Hamilton Circle, Littlefield Lane, Belmore Place, Graham Path, Haskell Lane, Sheffield Terrace (respectively, being +/- 80,000 S.F.; 131,818 S.F.; 29,040.5 S.F.; 56,590 S.F.; 17,500 S.F.; 60,000 S.F.)	1016	170	177320
50	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portion of Graham Path (being +/- 10,925 S.F.)	1016	170	177320
154	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portion of Belmore Place (being +/- 8,449.5 S.F.)	1048	156	183706
	Paul M. Zarella & Frederick K. Heim FDBA Gristmill Construction, Inc. Flint Drive (being +/- 30,000 S.F.)	19264	534	

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke II subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex County South Registry of Deeds.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans and as noted below. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement (& Fee Owner, If Registered)</u>	<u>Street Name & Address</u>	<u>Middlesex Registry</u>			<u>Easement Area +/- S.F. & Type</u>
		<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>	
<u>Belmore Place</u>					
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F LeRoy Jackson & Cynthia Jackson	22 LC Lot 103 PL 5374R	1016 170	219785	187141	644 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Thomas Gatzunas & Taslene Gatzunas	38 LC Lot 102 PL 5374R	1016 170	250651	187141	1,200 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Victor Terra & Katherine Terra	56 LC Lot 106 PL 5374R	1016 170	247404	187141	4,380 Headwall

Farrington Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	151	183478	17,600 Flowage; 3,600 Sewer
N/F Patrick O'Brien & Debra O'Brien LC Lot 32 PL 2370F	1016 170	217400	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	167	183478	5,100 Drainage; 5,352 Sewer
N/F Kevin Paquin & Karen Paquin LC Lot 34 PL 2370F	1016 170	195263	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	199	183478	1,834 Drainage; 17,463 Flowage
N/F Dianne K. McHugh LC Lot 38 PL 2370F	1016 170	223216	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	215	183478	1,817 Drainage; 23,778 Flowage
N/F Kartik Raghupathi & Nicole Wedick LC Lot 39 PL 2370F	1016 170	247265	

Flint Drive

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	7	19264 559	1,050 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	8	19333 258	488 Headwall; 14,000 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	20463 470	23,660 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	38	20580 205	2,709 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	52	9931 566	2,709 Drainage

Graham Path

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	12	183478	2,965 Headwall; 250 Headwall
N/F Beth Kelly LC Lot 126 PL 5374R	1016 170	235619	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	13	186365	1,800 Headwall
N/F Daniel Ortiz & Marni H. Ortiz LC Lot 130 PL 5374R	1016 170	234572	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	183478	1,875 Headwall
N/F Craig K. Campbell & Donna M. Baldiserri LC Lot 131 PL5374R	1016 170	226886	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	85	1926 559	6,295 Headwall; 28,428 Flowage
N/F Joseph N. Joyce & Nancy C. Joyce LC Lots 137 and 37 PL 5374R	1016 170	213149	183478
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	86	183478	3,650 Headwall; 15,603 Flowage; 968 Sewer
N/F William Wing & Virginia Wing LC Lot 135 PL 5374R	1016 170	225818	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	104	183478	2,049 Flowage; 5,790 Sewer
N/F Joseph Haberberger & Katherine Haberberger LC Lots 136 and 36 PL 5374R	1016 170	208693	

Hamilton Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65	188596	2,123 Headwall; 1,971 Utility
N/F John Jewett & Isabel Jewett LC Lot 148 PL 5374R	1016 170	217311	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	74	189261	3,709 Headwall
N/F Joanne Gravina LC Lot 147 PL 5374R	1016 170	192265	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	77	177320	5,623 Utility; 38,265 Utility
N/F Joseph Grimaldo LC Lot 149 PL 5374R	1016 170	188660	

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	89	189261	4,518 Utility; 49,496 Utility
N/F Kenneth Brown & Ann Gillespie	LC Lot 150 PL 5374R	1016 170	250537

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	101	177320	3,975 Utility
N/F Robert Davis & Susan Davis	LC Lot 152 PL 5374R	1016 170	186555

Haskell Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	11	192357	750 Headwall
N/F Gala Del C. Moreno & Jorge Moreno	LC Lot 140 PL 5374R	1016 170	229649

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	32	192357	3,424 Headwall; 12,308 Sewer
N/F Jeffrey Koester & Laura Koester	LC Lot 139 PL 5374R	1016 170	211134

Littlefield Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	28	183880	3,900 Headwall
N/F Regiane Santos De Medeiros	LC Lot 107 Plan 5374R	1016 170	248198

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	37	183510	4,499 Headwall; 913 Drainage; 10,661 Flowage
N/F Chanchala Patil	LC Lot 108 PL 5374R	1016 170	249486

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	46	183510	1,170 Headwall
N/F Mariusz Krawiec & Beata Sweryda-Krawiec	LC Lot 109 PL 5374R	1016 170	238535

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	61	183880	3,555 Headwall; 3,855 Headwall
N/F Karl Andersson & Karrie Henighan	LC Lot 110 PL 5374R	1016 170	235220

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	62	183510	1,950 Headwall; 20,828 Flowage
N/F Yamata Akihito & Maria Akihito	LC Lot 111 PL 5374R	1016 170	216918

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82	183880	2,389 Headwall; 26,740 Flowage; 8,713 Sewer
N/F Greg Mitrakas, Tr., Littlefield Realty Trust LC Lot 112 PL 5374R 1016 170 250977			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	91	183479	5,349 Headwall
N/F Richard Santos & Ellen Santos LC Lot 113 PL 5374R 1016 170 233760			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	101	183479	3,600 Headwall
N/F George Jensen & Donna Jensen LC Lot 115 PL 5374R 1016 170 207800			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	102	183880	50,005 Headwall; 804 Sewer
N/F Terry Saunders & Jane Saunders LC Lot 114 PL 5374R 1016 170 250652			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	119	183880	3,000 Headwall
N/F David McCarthy & Patricia McCarthy LC Lot 117 PL 5374R 1016 170 222971			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	163	183478	2,400 Headwall
N/F Elaine B. Dohan & Lawrence J. Dohan LC Lot 123 PL 5374R 1016 170 253907			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	178	183478	5,051 Headwall
N/F Brad Higgins & Sandra Higgins LC Lot 124 PL 5374R 1016 170 237666			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	203	183478	1,600 Headwall; 5,733 Sewer
N/F Richard Fredette & Sandra Fredette LC Lot 128 PL 5374R 1016 170 212682			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	225	189261	4,934 Sewer
N/F Theodore Faigle LC Lot 129 PL 5374R 1016 170 229376			

Sheffield Terrace

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 30 N/F Gail Lauter LC Lot 101 Plan 5374R 1016 170 249022	5,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 33 N/F Donald Watson & MaryEllen Deering LC Lot 100 Plan 5374R 1016 170 241279	3,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 65 N/F Nicholas Tolan & Nicole Tolan LC Lot 96 Plan 5374R 1016 170 254479	7,902 Headwall; 13,927 Drainage; 41,110 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 66 N/F Michael Kovacs & Tolice Lovacs LC Lot 97 Plan 5374R 1016 170 254882	6,102 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 84 N/F Robert Mahaney & Lisa Mahaney LC Lot 95 Plan 5374R 1016 170 238673	2,000 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Being a portion of 83 177320 N/F Ravenswood Properties, Inc. 627 Sudbury Street Marlborough, MA 01752 LC Lot 94 Plan 5374R 1016 170 251318	1,500 Headwall

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

AWARD OF DAMAGES

We determine that the total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDBA Gristmill Construction, Inc., of the land, easements and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00. We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, also known as the Gristmill III subdivision, being N/F Robert and Linda A. Vissat for that portion of Harper Circle abutting the side of 36 Woodcock Lane to the centerline of the way, N/F Karen M. Chesler and Robert P. Rivet for that portion of Prendiville Way abutting the front of 142 Prendiville Way, to the centerline of the way, and N/F Julie Shepherd and Brian Shepherd for that portion of Prendiville Way abutting the front of 35 Prendiville Way, to the centerline of the way, to be in the amount of \$1.00 for each of said owners.

APPROVED; adopted

Yea: 10 – Nay: 0

Yea: Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

Abstained: Delano

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers care, management and control to the Department of Public Works of the City of Marlborough for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, repairing, and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II subdivisions, including the utilities, structures, drains, appurtenances, sidewalks, curbs, and other things identified in the Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision, **APPROVED;** adopted.

Yea: 10 – Nay: 0

Yea: Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

Abstained: Delano

ORDERED: That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deed in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc., to certain parcels of land described herein as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

APPROVED; adopted.

Yea: 10 – Nay: 0

Yea: Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

Abstained: Delano

President Pope requested a recess at 9:46 PM and returned to open meeting at 9:48 PM; adopted.

ORDERED:

DEED IN LIEU OF FORECLOSURE

We, FREDERICK HEIM of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and PAUL ZARELLA, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc.,

for consideration paid and in full forgiveness of the present outstanding tax liability on the herein conveyed properties

hereby grant, transfer and deliver unto the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee") with Quitclaim covenants

All of our right, title and interest in and to the fee in those certain parcels described as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 12951, Page 719, and shown as Parcel A on a plan entitled "Plan of Revised Lots in Marlborough, Mass. Owned By Various Owners, scale: 1"=40', dated January 17, 1977" which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 478 of 1977;

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1019, Page 106, Certificate No. 177856, and shown as Lot 10 on Sheet 2 of plans entitled "Gristmill Estates III Definitive Plan of Lots, scale: 1"=100', dated August 24, 1984" which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1454 of 1984; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1016, Page 170, Certificate No. 177320, and shown as Lot 141 on Sheet 18 of plans entitled "Definitive Carisbrooke II Plan of Land in Marlborough, Massachusetts, Prepared for Gristmill Construction, Inc., 910 Boston Post Road, Marlborough, Mass., dated March 13, 1987," which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1079 of 1988.

WITNESS our hand and seal this _____ day of _____, _____.

By: _____
Frederick Heim

By: _____
Paul Zarella

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named FREDERICK HEIM, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named PAUL ZARELLA, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public

My Commission Expires:

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcels, pursuant to Mass. Gen. Laws c. 40, § 8C:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

APPROVED; adopted.

Yea: 10 – Nay: 0

Yea: Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

Abstained: Delano

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:49 PM.